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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ATRICLE 18 OF THE CONVENTION

Initial reports of States Parties

RWANDA

V.83 56293

First of all, it should be pointed out that the Constitution of the Rwandese Republic prohibits any discrimination based on sex as far as voting is concerned, since in article 9 it provides that "all Rwandese citizens of full age who do not fall within any of the categories excluded by law shall have the right to vote in elections in the circumstances prescribed by law".

Subsequently, as provided for in the following articles, the Constitution of the Rwandese Republic does not discriminate between men and women as far as public freedoms are concerned:

Article 16 "All citizens are equal before the law, without any discrimination on grounds such as race, colour, origin, ethnic group, clan, sex, opinion, religion or social position."

Article 24 "The family, being the natural basis of Rwandese society, shall be protected by the State."

"Parents have the right and duty to bring up their children."

Article 25 "Only monogamous marriage shall be recognized, in the conditions and forms provided for by law. The conditions and forms of divorce shall be determined by law."

Article 30 "Everyone has the right to work, to choose his work freely, and to enjoy equitable and satisfactory working conditions."

Furthermore, under the Rwandese Criminal Code adultery and bigamy, prostitution, the advertising of means of abortion, desertion of the family, offences against individual freedom, injurious charges and abuse are punishable without distinction as to sex. The relevant provisions of the Rwandese Criminal Code are annexed.

As far as employment is concerned, the law of 28 February 1967 contains provisions which exclude discrimination between men and women. They are as follows:

Article 9 "Married women exercising a profession or trade may join professional organizations and participate in their administration or leadership."

Article 25 "Any discrimination, exclusion or preference based on race, colour, sex, religion, political opinion, national descent or social origin which would have the effect of destroying or impairing equality of opportunity in employment is prohibited."

Article 82 "Where work, qualifications and performance are equal, salaries shall be equal for all workers subject to the present law, regardless of their origin, sex and age."

In the country's political life, too, women have not been overlooked. In the Manifesto of the National Revolutionary Movement for Development, which is the sole political organization, it is stated that the Movement "shall bring together and group within it the vital forces of the country, without any exclusion, i.e. without any discrimination as to sex, religion, ethnic group, origin, occupation or social status".

The same Manifesto declares that the National Revolutionary Movement for Development "shall support the emancipation of women while ensuring respect for family ties" and that the personal emancipation of women should be strengthened through access to education and to professional, social, economic and political responsibilities".

The Manifesto adds that "any activity designed to prepare women for the full exercise of democratic freedoms shall be encouraged and supported" and that the emancipation of women "should bring new forces to participate in the acceleration of national development".

Finally, I should like to point out that Rwandese women occupy the same posts as men in the executive, the legislative and the judiciary. There are women members of the Central Committee of the National Revolutionary Movement for Development; women have their place in the National Development Council (National Assembly); they hold senior posts in the central administration; they are to be found in the courts and tribunals; and they serve as delegates to international meetings in representation of the Government.

ANNEX

Rwandese Criminal Code

BOOK TWO - OFFENCES AND THEIR PARTICULAR FORMS OF PUNISHMENT

CHAPTER V

OFFENCES AGAINST MORALS

SECTION ONE

Adultery and bigamy

353. Adultery is the sexual union of a married person with a person other than his or her spouse.

354. A wife convicted of adultery shall be punished by a term of imprisonment of from one month to one year.

A husband convicted of adultery shall be punished by a term of imprisonment of from one month to six months and by a fine of 1,000 francs, or by one of these penalties only.

355. When punishable adultery occurs, the penalties provided for in the preceding article shall be applicable to the accomplice.

The only evidence that may be admitted against the accomplice shall be, apart from acts in flagrante delicto, evidence resulting from letters or other documents written by him.

356. Proceedings for adultery may be initiated only upon a complaint filed by the injured spouse.

The latter may, by withdrawing his complaint, stay the proceedings in any case.

He may stay the effects of the final sentence of imprisonment provided he resumes life in common.

357. Anyone who, being bound by the ties of marriage, contracts another marriage before the dissolution of the previous marriage shall be punished by a term of imprisonment of from three months to three years and by a fine of 1,000 to 20,000 francs, or by one of these penalties only.

A public servant who officiates at the second marriage knowing of the existence of the previous marriage shall be sentenced to the same penalties.

PENAL MATTERS - CRIMINAL CODE

SECTION III

Prostitution

363. Prostitution consists of engaging in the trade of giving oneself to all comers for remuneration.

Any person who engages in prostitution may, by a judgement of the court of first instance, be compelled to submit, for a period not exceeding one year, to one or more of the following obligations:

1. Not to leave the territorial limits specified in the judgement;

2. Not to visit certain places specified in the judgement;

3. To submit to examination, treatment or care, including hospitalization;

4. To respond to the summons of any authority or any qualified person designated in the judgement;

5. To report periodically to the departments or authorities designated in the judgement.

Failure to comply with any one of the obligations laid down by the court shall be punished by a term of imprisonment of from three to six months and by a fine of 2,000 to 5,000 francs, or by one of these penalties only.

Paragraph 1 - Incitement to prostitution

364. Anyone who enlists, procures or entices another major or minor person for the purpose of prostitution, even with that person's consent, shall be punished by a term of imprisonment of from three months to five years and by a fine of from 10,000 to 100,000 francs.

365. The penalties provided for in the preceding article shall also be applicable to anyone who maintains a major or minor person for the same purposes, even with that person's consent.

366. Anyone who by threat, pressure, stratagem or any other means impedes the execution of the preventive, welfare or rehabilitation measures taken by qualified bodies for the benefit of persons engaging in prostitution or in danger of becoming prostitutes shall be punished by a term of imprisonment of from six months to five years and by a fine of from 10,000 to 100,000 francs.

367. Anyone who, by any form of advertising, even when the nature of his advertisement is concealed in guileful language, makes it known that he facilitates the prostitution of others or draws attention to an opportunity for prostitution shall be punished by a term of imprisonment of from one month to one year and by a fine of from 1,000 to 10,000 francs.

Paragraph 2 - Exploitation of prostitution

368. Anyone who, whether directly or through another person, directs, manages or knowingly finances or helps to finance a brothel shall be punished by a term of imprisonment of from one year to five years and by a fine of from 20,000 to 100,000 francs.

369. Anyone who in whatsoever manner shares in the proceeds of the prostitution of another major or minor person, even with that person's consent, or who receives subsidies from a person habitually engaged in prostitution shall be punished by a term of imprisonment of from one year to five years and by a fine of from 20,000 to 100,000 francs.

370. Anyone who, maintaining a habitual relationship with one or more persons engaged in prostitution, cannot satisfactorily account for the means required to maintain his style of life shall be punished by the penalties provided for in the preceding article.

Anyone who by attestation, certificate, fictitious document or any other device or stratagem helps a person falling within the purview of the preceding paragraph to account for means which that person does not in fact possess shall be punished by a term of imprisonment of from two to six months and by a fine of from 1,000 to 10,000 francs, or by one of these penalties only.

Paragraph 3 - Facilities for prostitution

371. Anyone who in whatsoever manner aids, abets or knowingly protects the prostitution of others or their recruitment for the purpose of prostitution shall be punished by a term of imprisonment of from three months to three years and by a fine of from 10,000 to 50,000 francs.

372. The penalties provided for in the preceding article shall also be applicable to any person who acts as an intermediary in whatsoever manner between persons habitually engaged in prostitution and individuals who exploit or remunerate the prostitution of others.

373. Anyone who knowingly lets or rents, in whole or in part, a building or any form of premises for the purpose of prostituting others shall be punished by a term of imprisonment of from one year to three years and by a fine of from 10,000 to 50,000 francs.

Paragraph 4 - Aggravating circumstances

374. The penalties provided for in the preceding articles shall be doubled when any one of the following aggravating circumstances is proved in the case:

1. The offence was committed in respect of a minor aged under 18 years;

2. The offence was committed without the consent of the person concerned;

3. The offence was committed in respect of more than one person;

4. The person in respect of whom the offence was committed was compelled or induced to engage in, prostitution outside Rwandese territory or in Rwandese territory upon arrival from abroad or shortly after arrival;

5. The offence was committed by several principals, co-principals or accomplices;

6. The principal committing the offence carried a visible or concealed weapon;

7. The offence was committed by an ascendant relative of the victim;

8. The offence was committed by a person having authority over the victim;

9. The offence was committed by a servant of the victim;

10. The offence was committed by a public official or minister of religion.

Paragraph 5 - Supplementary provisions

375. Anyone who incites another to commit any of the offences provided for in the present section shall be punished by a term of imprisonment of from eight days to three months and by a fine of from 500 to 5,000 francs.

The same penalties shall be applied to any person who offers or agrees to participate in the preparation or execution of such offences, even if the latter are not consummated or attempted.

The penalty shall be doubled if the offence was committed against a minor aged under 18 years.

376. Should any individual who has been sentenced abroad for acts punishable under the present section be in Rwandese territory, the court of his place of residence may, at the request of the prosecuting magistrate (Ministère publique), declare that one or more of the security measures or disabilities, forfeitures or incapacities provided for in articles 54 to 58 and 66 to 69 hereof, should be applied.

BOOK TWO - OFFENCES AND THEIR PARTICULAR FORMS OF PUNISHMENT

SECTION V

The advertising of means of abortion

379. A term of imprisonment of from eight days to one year and a fine of from 1,000 to 10,000 francs, or one of these penalties only, shall be imposed upon:

1. Anyone who by displaying, selling or distributing written material, whether printed or not, or who by any other method of advertising recommends the employment of whatsoever means for bringing about an abortion or who supplies information on how to obtain or use such means or who makes known the persons who administer them with a view to their recommendation;

2. Anyone who displays, sells, distributes or manufactures drugs or devices which are specially designed to bring about an abortion or which are advertised as such or anyone who arranges for their manufacture, importation or transportation, or who delivers them to a transport or distribution agent or advertises them through any form of publicity.

The possession, marketing or sale of such products or means or of printed matter relating thereto are not deemed to be advertising when such acts are not accompanied by any circumstance tending to suggest or recommend the use thereof.

CHAPTER VI

DESERTION OF THE FAMILY AND ABANDONMENT AND EXPOSURE OF CHILDREN

380. A term of imprisonment of from three months to two years and a fine of from 2,000 to 20,000 francs, or one of these penalties only, shall be imposed upon:

1. A father or mother who, without serious grounds, abandons the family residence for more than two months and eludes part or all of the moral or material obligations deriving from parental authority or legal guardianship; the period of two months may be broken only by a return to the home implying a willingness to resume family life on a permanent basis;

2. A husband who, without serious grounds, voluntarily deserts his wife for more than two months knowing that she is pregnant;

3. A father, mother or guardian who by ill treatment, pernicious examples of habitual drunkenness or notorious misconduct, or neglect or failure to provide the necessary guidance seriously endangers the health, safety or morals of his children or of one or more of them or of those legally in his charge.

However, the prosecution or the effects of a sentence may be stayed by a decision of the prosecuting magistrate (Ministère publique) if he considers that prosecution or the execution of the sentence is prejudicial to the interests of the children or the family.

381. A term of imprisonment of from one month to one year and a fine of from 1,000 to 10,000 francs, or one of these penalties only, shall be imposed upon:

1. Anyone who has been sentenced by a judicial decision no longer subject to an application for stay of execution or to appeal whereby he is required to furnish alimony to his spouse, or to his descendant or ascendant relatives and who has voluntarily failed to comply with the terms thereof for more than two months;

2. Anyone guilty, in the circumstances provided for in the preceding paragraph, of failing to meet the obligations referred to in articles 159, 210 b, 210 c and 231 of Book One of the Civil Code.

382. When a debtor in default in the circumstances provided for in the preceding article fails to discharge his obligations for more than two months, at the request of any interested party or of the prosecuting magistrate (Ministère publique) he shall be summoned to appear before the president of the court of first instance by means of a registered letter with advice of receipt signed and addressed by the clerk of the court.

The president of the court shall certify the appearance or non-appearance of the debtor, receive explanations from the parties and make out a report thereon, which he shall transmit to the Public Prosecutor for such purposes as it may be required to serve.

383. Anyone who exposes or causes to be exposed, or abandons or causes to be abandoned in a frequented place a child or invalid unable to take care of himself because of his physical or mental condition shall be punished by a term of imprisonment of from one month to one year and by a fine of from 500 to 1,000 francs.

The penalty shall be a term of imprisonment of from three months to two years and a fine of from 1,000 to 2,000 francs if the acts referred to in the preceding paragraph were committed by the legitimate or natural father and mother or by persons to whose care the child or invalid had been entrusted.

However, the penalty shall be a term of imprisonment of from one month to six months if such acts were committed by an unmarried mother.

384. A term of imprisonment of from three months to two years and a fine of from 1,000 to 2,000 francs shall be imposed upon:

1. Anyone who for profit incites both parents, or one of them, to abandon their already born or still unborn child;

2. Anyone who causes prospective parents, or one of them, to enter into a commitment to abandon the unborn child or who is in possession of such a commitment or who makes use thereof.

385. Anyone who abandons or causes to be abandoned in an unfrequented place a child or invalid unable to take care of himself because of his physical or mental condition shall be punished by a term of imprisonment of from six months to three years and by a fine of from 1,000 to 5,000 francs.

The penalty shall be a term of imprisonment of from one year to five years and a fine of from 2,000 to 10,000 francs if the acts referred to in the preceding paragraph were committed by the legitimate or natural father and mother or by persons to whose care the child or invalid had been entrusted.

386. If, as the result of exposure or abandonment, the child or invalid has been mutilated or crippled or if he has contracted a serious disease or suffered a permanent disability, the guilty parties shall be punished:

1. In the case provided for by article 383, first paragraph, by a term of imprisonment of from six months to two years and by a fine of from 1,000 to 2,000 francs;

2. In the cases provided for by article 383, second and third paragraphs, by a term of imprisonment of from one year to three years and by a fine of from 2,000 to 6,000 francs;

3. In the cases provided for by article 385, by a term of imprisonment of from five to 10 years.

387. If the abandonment or exposure has caused the death of the child or invalid, the guilty parties shall be punished:

1. In the case provided for by article 383, first paragraph, by a term of imprisonment of from three years to five years and by a fine of from 1,000 to 5,000 francs;

2. In the cases provided for by article 383, second and third paragraphs, by a term of imprisonment of from five years to 10 years and by a fine of from 5,000 to 10,000 francs;

3. In the cases provided for by article 385, by a term of imprisonment of from 10 years to 15 years.

CHAPTER VII

OFFENCES AGAINST INDIVIDUAL FREEDOM

388. Anyone who by violence, ruses or threats arbitrarily kidnaps any other person or causes him to be kidnapped, arrests him or causes him to be arrested, detains him or causes him to be detained shall be punished by a term of imprisonment of from five years to 10 years.

If the person kidnapped, arrested or detained is under 18 years of age the maximum penalty shall be imposed.

If the detention or false imprisonment lasted for more than one month, the term of imprisonment may be increased to 20 years.

When the person kidnapped, arrested or detained has been subjected to bodily torture, the guilty party shall be punished by imprisonment for life.

If the torture caused death, the guilty party shall be sentenced to death.

Anyone who provides premises for such detention or false imprisonment shall suffer the same penalties.

389. If a woman kidnapped or enticed without detention or false imprisonment has married her kidnapper, the latter and his accomplices may be prosecuted only upon a complaint filed by the persons entitled to apply for the marriage to be declared null, and they may be sentenced only after the decree of nullity has been handed down.

PENAL MATTERS - CRIMINAL CODE

CHAPTER VIII

INJURIOUS CHARGES AND ABUSE

391. Anyone who maliciously and publicly imputes to another person a specific fact of such a nature as to disparage the honour or reputation of that person or to expose him to public scorn shall be punished by a term of imprisonment of from eight days to one year and by a fine of from 1,000 to 10,000 francs, or by one of these penalties only.

392. Anyone who publicly abuses another person shall be punished by a term of imprisonment of from eight days to two months and by a fine not exceeding 5,000 francs, or by one of these penalties only.

393. Anyone who displays, through defamation or public abuse, an aversion or hatred towards a group of persons belonging, by their origin, to a specific race or religion or who commits an act of such a kind as to provoke such aversion or hatred shall be punished by a term of imprisonment of from one month to one year and by a fine not exceeding 5,000 francs, or by one of these penalties only.

The same penalties, or one of them only, shall be imposed upon:

1. Any custodian of public authority or citizen acting for a public ministry who, on account of a person's origin or of the fact that a person is or is not of a particular ethnic group, region, nation, race or religion, has knowingly refused him the enjoyment of a right to which he could lay claim;

2. Any person supplying, or offering to supply, a good or service who, without legitimate motive, refuses to supply it either directly or through his agent on account of the origin of the person requiring it or of the

fact that he is or is not of a particular ethnic group, region, nation, race or religion or who submits his offer subject to a condition based on a person's origin or on the fact that he is or is not of a particular ethnic group, region, nation, race or religion;

3. Any person who, in the circumstances referred to in paragraph 2, refuses to supply a good or a service to an association or society or company or to one of its members on account of the origin of its members or of some of them or of the fact that they are or are not of a particular ethnic group, region, nation, race or religion;

4. Any person who is caused by his profession or functions to employ, for himself or for others, one or more agents and who, without legitimate motive, refuses to hire or dismisses a person on account of his origin or of the fact that he is or is not of a particular ethnic group, region, nation, race or religion or who submits an offer subject to a condition based on a person's origin or on the fact that he is or is not of a particular ethnic group, region, nation, race or religion.

394. A term of imprisonment of from six months to three years and a fine of from 1,000 to 20,000 francs, or one of these penalties only, shall be imposed on anyone who has in whatsoever manner made a slanderous denunciation:

1. To a judicial or administrative authority or to a public official who has the power to take action thereon or to bring the matter before the competent authority;

2. To the hierarchical superiors or employers of the person denounced.

395. Anyone who defames or abuses a person in circumstances not covered by the preceding provisions shall be punished by a term of imprisonment of eight days at most and by a fine of 1,000 francs at most, or by one of these penalties only.